



**LEAD AGENCY AGREEMENT**  
**between**  
**THE CITY OF ROCHESTER DIRECTOR OF ZONING**  
**and**  
**THE TOWN OF BRIGHTON TOWN BOARD**

WHEREAS, the City of Rochester and Town of Brighton are contiguous and share municipal boundary lines; and

WHEREAS, the Iola Campus is a development site that traverses those boundaries; and

WHEREAS, the development at the Iola Campus proposed by Anthony J. Costello and Son will require discretionary approvals from both municipalities, and

WHEREAS, the requirements of the State Environmental Quality Review Act (6NYCRR Part 617) stipulate that all agencies with discretionary approval authority over a project coordinate the environmental review and establish a "Lead Agency," the following agreement, authorized pursuant to 6 NYCRR 617.14(d), is established to facilitate that coordination:

The City of Rochester Director of Zoning ("City") and the Town of Brighton Town Board ("Town") desire to create a coordinated environmental review procedure for development of the Iola Campus. Accordingly, the City and the Town hereby agree to the following terms and conditions to achieve compliance with the State Environmental Quality Review Act.

1. With the limitations set forth herein, the City shall serve as Lead Agency for the purposes of conducting the environmental review. The Town shall provide the City with a contact list of all Town of Brighton Involved and Interested Agencies as defined by 6 NYCRR 617.2 for purposes of coordination of all Involved Agencies.
2. With the knowledge of the proposed concepts for development gathered during preapplication meetings with the applicant, the City agrees to issue a Positive Declaration in accordance with 6 NYCRR 617.7 requiring the applicant to prepare an environmental impact statement.
3. The City shall agree to file and distribute documents in accordance with 6NYCRR 617.12. Any additional distribution, not specified in the regulations, preferred by the Town shall be the responsibility of the Town.
4. The City shall conduct Scoping in accordance with 6 NYCRR 617.8 at a location mutually agreeable to the Town and City. The Town will be an active participant in the scoping process including examination of the draft scope provided by the applicant and attendance at scoping meetings. The City shall transmit the draft scope to the Town within two days of its receipt from the applicant along with the date of the scoping meeting. The Town shall coordinate with other agencies/interested parties from the Town of Brighton for participation in the scoping process. The Town shall provide any and all comments on the scope to the City within 45 days from the receipt by the City of the draft scope. Prior to issuing the final scope, the City shall meet with the

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Town to review the proposed final scope . The City shall obtain the Town's written concurrence on the final scope.

5. The City and/or Town may engage a consultant to assist both the Town and the City in the review of the draft scope, the review of the preliminary draft environmental impact statement (DEIS) , and the review of the preliminary final environmental impact statement (FEIS). The City will charge a fee to the applicant in order to recover the actual costs of such review services. The fee shall not exceed the amount allowed under section 6 NYCRR 617.13 .
6. At the time that a preliminary DEIS is delivered by the applicant to the Lead Agency for review, the City shall transmit three (3) copies of the preliminary DEIS to the Town for review. A meeting between the City and the Town shall be conducted within 30 days of transmission to discuss acceptability of and possible improvements to the document. The applicant will be required to make the changes to the document as identified by the Town and the City . The Town shall provide to the City a written report of requested changes to the DEIS. The Town and the City will provide comments to the applicant within 45 days from the date of receipt of the DEIS by the City.
7. Upon resubmission of the DEIS, the City shall determine the acceptability of the DEIS in accordance with all the changes requested by the Town and the City. If acceptable, the City shall release the document for public review. Upon release, thirty (30) copies of the DEIS will be transmitted to the Town. The Town shall distribute the documents to Involved and Interested Agencies within the Town of Brighton. The City shall distribute documents for public review to the Highland Branch of the Rochester Public Library, to the Brighton Memorial Library, to the offices of the Brighton Department of Public Works, and the South East Area Coalition. Additional locations designated by the Town must be communicated to the City prior to the filing of the public notice referenced below.
8. A public hearing on the DEIS shall be conducted within the time frames established in 6NYCRR 617.9(4) for both City and Town residents . The City shall be responsible for the preparation and filing of the required public notice in accordance with 6NYCRR 617.9 (a)(4) and 617.12(c)(2) and any additional notification to city residents. Additional notification to Town residents shall be the responsibility of the Town.
9. The Rochester Environmental Commission shall serve as the hearing body for the public hearing. The Public Hearing shall be conducted on or near the Iola Campus at a mutually agreeable location.
10. The Rochester Environmental Commission shall produce a Comment Summary and Disposition Recommendations report. The report shall be transmitted to the Town and the applicant. Within 10 days of the completion of that report, the City shall conduct a meeting with the Town and the applicant to determine how the comments will be addressed and by whom. The applicant shall be responsible for compiling all the responses to comments and preparing the FEIS.

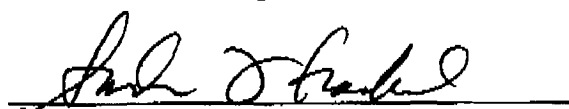
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11. Upon receipt of a preliminary FEIS, the City shall transmit three (3) copies of the document to the Town for review. A meeting between the City and the Town shall be conducted within 10 days of transmission of the FEIS to discuss acceptability of and possible improvements to the document.
12. The City shall file the FEIS within the time frames established in 6NYCRR 617.9(5). The City shall be responsible for the preparation and filing of the required public notice in accordance with 617.12. Any additional notification preferred by the Town will be the responsibility of the Town.
13. After 10 days and before 30 days from the date of the filing of the FEIS, the City shall issue a Findings Statement in accordance with 6NYCRR 617.11. After 10 days from the date of the filing of the FEIS, the Town shall issue a Findings Statement in accordance with NYCRR 617.11.
14. The Town Board appoints the Supervisor to act as its agent under this Agreement.

Director of Zoning  
City of Rochester

  
Arthur Ientilucci

Supervisor  
Town of Brighton

  
Sandra Frankel

Date: 11/16/04

Date: 11/10/04